

EXHIBIT 3

Brenna Nelinson

From: Evan Spencer <evan@evanspencerlaw.com>
Sent: Wednesday, May 24, 2023 2:19 AM
To: Sarah Heaton Concannon
Cc: Rob Kimtis; Alex Spiro; Brenna Nelinson; amehes@tesla.com; ahuebert@tesla.com; ManagingClerk@blbglaw.com; Nathan.Donlon@blbglaw.com; Chad Albert; slevine@levinelee.com; managingclerk@levinelee.com
Subject: Re: Dogecoin Class Action - Request to File Third Amended Complaint

[EXTERNAL EMAIL from evan@evanspencerlaw.com]

Dear Ms. Concannon:

Unfortunately, I am unable to provide a redline copy of the Third Amended Complaint because it was drafted from scratch. I apologize for the inconvenience. I can extend the deadline five days until Tuesday, May 30th to let me know if Defendants oppose our motion to file the Third Amended Complaint.

As far as our request for a stay of the pending briefing schedule, I will still need an answer from all Defendants by Thursday, May 25th at 6:00 pm. Voluntarily staying the briefing schedule will save the Court and parties time and money and is reasonable under the circumstances.

Opposed or unopposed, Plaintiffs will file a motion to stay the briefing schedule on Friday, May 26th and a motion to file the Third Amended Complaint on Wednesday, May 31st. If a stay is not granted, Plaintiffs will file opposition briefs to Defendants' motions to dismiss on May 31st.

Sincerely,

Evan Spencer
Evan Spencer Law, PLLC
305 Broadway, 7th Floor
New York, NY 10007
Tel. 917.547.4665
Evan@EvanSpencerLaw.com
EvanSpencerLaw.com

On Tue, May 23, 2023 at 9:03 AM Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com> wrote:

Evan,

It appears that there was not a redline attached to your initial email. Can you please provide ASAP, given your request that we revert by Thursday at 6 p.m.?

Also, please ensure that you copy both Adam Mehes (amehes@tesla.com) and Allison Huebert (ahuebert@tesla.com) on communications going forward.

Thank you,
Sarah

Sarah Heaton Concannon
Partner and Co-Chair of SEC Enforcement Practice
Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900
Washington, D.C. 20005

51 Madison Ave., 22nd Floor

New York, N.Y. 10010

202.538.8122 Direct

703.554.5521 Cell
sarahconcannon@quinnemanuel.com
www.quinnemanuel.com

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From: Evan Spencer <evan@evanspencerlaw.com>

Sent: Tuesday, May 23, 2023 2:19 AM

To: Sarah Heaton Concannon <sarahconcannon@quinnemanuel.com>; Alex Spiro <alexspiro@quinnemanuel.com>; Brenna Nelinson <brennanelinson@quinnemanuel.com>; amehes@tesla.com; ManagingClerk@blbglaw.com; Nathan.Donlon@blbglaw.com; Chad Albert <calbert@levinelee.com>; slevine@levinelee.com; managingclerk@levinelee.com

Cc: Rob Kimtis <rob@evanspencerlaw.com>

Subject: Dogecoin Class Action - Request to File Third Amended Complaint

[EXTERNAL EMAIL from evan@evanspencerlaw.com]

Dear Counselors:

I am writing to request permission to file the attached Third Amended Complaint and for permission to stay the current briefing schedule of the motion to dismiss the Second Amended Complaint until Plaintiffs'

forthcoming motion is decided. While the complaint has been previously amended, we have not had the opportunity to amend since Defendants filed their motions to dismiss. There are also supplemental facts that have occurred since December 2022 that Plaintiffs have a right to plead under FRCP Rule 15(d). We have removed the Dogecoin Foundation as a Defendant, removed Civil RICO and other allegations, and have pleaded Domesticity and other matters raised in Defendants' briefs with greater specificity.

In the Southern District of New York, parties are always given at least one opportunity to amend their pleading after receiving a motion to dismiss. Plaintiffs are only prohibited from amending when they have already previously amended in response to a motion to dismiss. "Pursuant to the Court's individual rules, after Defendant filed a motion to dismiss on June 5, 2020, the Court gave Plaintiff the option of amending his complaint in response to the motion to dismiss. *See* Dkt. No. 14." *Thompson v. U.S. Dep't of Educ.*, 20-cv-693 (AJN), at *7 (S.D.N.Y. Mar. 30, 2021) However, after "Plaintiff amended the complaint in response to Defendants' first motion to dismiss. Plaintiff shall not be provided leave to amend a second time." *Quinones v. PRC Mgmt. Co., LLC*, 14-CV-9064 (VEC), at *11 n.7 (S.D.N.Y. July 7, 2015)

Please let me know on or before Thursday May, 25th by 6:00 pm, if a stay of the pending briefing schedule is acceptable and if Plaintiffs have permission to file the attached Third Amended Complaint.

Sincerely,

Evan Spencer

Evan Spencer Law, PLLC

305 Broadway, 7th Floor

New York, NY 10007

Tel. 917.547.4665

Evan@EvanSpencerLaw.com

EvanSpencerLaw.com